

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION
RECEIVED

ROBERT WAYN 2005 OCT 11 AM 11:45
Petitioner,

-VS-

Gwendolyn Mosely

Warden et. al.,

Respondent(s)

* 2005 OCT 13 A 9:39

*

* Civil Action Number:

* 3:05-CV-723-T

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Motion For Enlargement of Time

Comes now the Petitioner, Pro-Se, herein and above named in the above styled and numbered case, with inmate para-legal assistance, and further pursuant to: Federal Rules of Civil Procedure, Rule(s) 4 (6) and/or (26) et. seq., moves this Honorable Court to entertain and grant this instant "Motion", and, in support of this "Motion" hereby presents to this Court the following, to wit:

1). Petitioner has very low reading, writing, comprehensive, and analytical skills. Everything has to read to the Petitioner and explain the meaning of everything read to the Petitioner.

2). Petitioner has no training in law and by himself could not read, research, and

prepare any legal documents by himself as Petitioner depends on his inmate para-legal for everything.

(3). On or about the 13th day of September, 2005 Magistrate Boyd issued an "order" for the Petitioner to respond to the Respondent's "Answer".

(4). Petitioner shows to this the magistrate ordered the Petitioner to Respond to the Respondent's answer by October 3, 2005.

(5). Petitioner shows that he received said Order on the evening of the 15th of September, 2005.

(6). Petitioner cannot access the law library during the day because of his assigned job. Petitioner can only access the law library from 6:00 PM To 7:30 PM Tues - Friday.

Also, from 8:00 AM To 4:00 on Saturday the law library is suppose to be open, but, is not to be.

ECF does not allow all prisoners to have yard and/or Gym call together, hence; inmates do not know when they can be on the yard or gym, which further ~~complicates~~ complicates matters when trying to access the law library.

(7). Appellant shows to this court that from the time Appellant received this Court's Order on 09-15-05 until the present date of 09-29-05 (14) days have passed.

Of those (14) days Appellant had only (7 1/2) days to access the law library only at night.

To further complicate matters Appellant has to rely completely on an inmate para-legal to assist your Appellant.

Said inmate para-legal had to have surgery and missed helping the Appellant for (4) days.

Furthermore, said inmate para-legal had to go to the Montgomery Circuit Court for (7) days this further hampered the Appellant in preparing his "Response to the Respondents".

Of the past (14) days Appellant and his inmate para-legal have had only (2 1/2) hours to research ~~the~~ Appellant's Response to the Respondents.

Appellant and his para-legal have diligently worked on Appellant's Response.

Appellant shows to the court that his case is lengthy and complicated.

(8). Appellant shows to this court that the law library will be closed ~~September~~ October 1st, 2nd, and 3rd furthering hindrance for the

appellant and his para-legal adequate time to file his "Response to the Respondent's Answer".

(9) Respondent's asked for an "Enlargement of time" and got ^{over} Petitioner pray this Court this Court will give the Petitioner time to respond to the Respondent's Answer.

(10) Petitioner and his para-legal are just starting the draft of Petitioner's Response to the Respondent's Answer.

(11) Petitioner shows to the Court that Petitioner's case at bar is a serious offense and takes a lot time, effort, and resources that Petitioner can only get (12) sheet of paper a week from the law library which, with (2) copies and the original is (4) pages per week.

Coupled with resource shortage and tentative access to the law library and the assistance of an inmate para-legal Petitioner seeks the following:

III

Conclusion and Prayer for Relief

WHEREFORE PREMISES Shown: and pursuant to Federal Rules of Civil Procedure Rule (5) = (6) and/or (26), et seq. Petitioner hereby pray for the following:

Civil Action NO. 3:05-CV-723-T

(1) That this Court take jurisdiction of this instant "Motion", and;

(2) Petitioner prays for an additional (10) days to prepare his response to the Respondent's Answer.

(3) That this Court acknowledge the problems that Petitioner and his para-legal have had for accessing the law library, and, the Court Transfer and medical problems Petitioner's inmate para-legal has had trying to prepare Petitioner's Response.

(4). Finally Petitioner prays for any further relief this Courts deems just, proper, and, necessary.

Originally ^{emailed} executed 29th day of September, 2005,
re-executed and mailed the 5th day of October,
2005, after Court's return.

Respectfully Submitted,

Robert W. Clements

ROBERT W. CLEMENTS

Petitioner, Pro-se

(1) That this Court take jurisdiction of this instant "Motion", and;

(2) Petitioner Prays for an additional (10) days to prepare his response to the Respondent's Answer.

(3) That this Court acknowledge the problems that Petitioner ~~has~~ ^{and} his para-legal have had for accessing the law library, and, the medical and court problems the Petitioner's private para-legal has had preparing this response.

(4) Finally Petitioner Prays for any further relief this Court deems just, proper, and, Necessary.

Executed this the 29th day of September, 2005

Respectfully Submitted
x Robert W Clements
Robert W. Clements,
Petitioner, Pro-Se

Petitioner, pursuant to 28 U.S.C., § 1746, et. seq., hereby signs this instant "Motion" under penalty of perjury.

Executed this the 29th day of September, 2005

x Robert W Clements
ROBERT WAYNE CLEMENTS
Petitioner Pro-Se

(-5a)

Certificate of Service

I hereby certify that I have served a copy of the foregoing upon the Respondents by placing same in the U.S. mail Box, postage pre-paid and addressed properly.

Executed this the 5th day of October, 2005

Robert W. Clement

ROBERT W. CLEMENTS,

Petitioner, Pro-Se

Address of Petitioner:

ROBERT WAYNE CLEMENTS, Pro-Se

Easterling Connectional Facility

ECF * #

* Dorm - 81A -

200 - WALLACE DRIVE

CLIO, ALABAMA 36017 - 2615

- In Lieu of Notary -

Petitioner, pursuant to: 28 U.S.C., §1746, et. seq., who hereby witness ^{me} sign this instant certificate of service under penalty of perjury and re-submit this attached motion to this Honorable Court.

Tom Redford

Witness

10-05-05

Date

Johnny Wilson

Witness

10-5-05

Date